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Thirteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The present report provides a brief account of the relevant developments, including the activities of the High-level Coordinator, Yuli M. Vorontsov, since my last report on this subject (S/2003/419), submitted on 11 April 2003.

II. Background

2. On 11 April, the Information Minister of Kuwait, Sheikh Ahmed Fahed al-Sabah, announced to the Kuwait News Agency that a reward would be paid to anyone who disclosed information on the fate of Kuwaiti prisoners of war captured by Iraq during the first Gulf war in 1991.

3. On 19 April, the Deputy Prime Minister and Minister of the Interior, Sheikh Mohammed al-Khaled al-Sabah, stated that a team of Kuwaiti security officers was coordinating with coalition forces to search for Kuwaiti prisoners. Speaking at a press briefing on 9 May, General Tommy R. Franks, Commander-in-Chief of the United States Central Command, announced that coalition forces would continue to work tirelessly with the international community, Kuwait in particular, to locate missing personnel and citizens missing in Iraq since 1991.

4. On 17 May, *The New York Times* reported the discovery of a mass grave thought to contain the remains of Kuwaiti prisoners of war, unearthed in the Iraqi city of Habbaniyah, west of Baghdad. According to that newspaper report, a Kuwaiti team of forensic experts left for Habbaniyah soon afterwards to bring back some of the remains for DNA testing.

5. On 21 May at a press briefing in Kuwait, the Minister for Oil, Sheikh Ahmad Fahd al-Ahmad al-Sabah, reaffirmed the commitment of government authorities and grass-roots organizations to determining the fate of Kuwaiti missing persons and prisoners of war, in order to bring an end to Kuwait's national humanitarian tragedy.

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6. The special envoy to Iraq of the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, Member of Parliament Anne Clwyd, departed for Kuwait on 27 May to meet with senior government officials and local people to discuss, inter alia, the issue of the 605 missing Kuwaitis and third-country nationals whose fate remains unknown since the Gulf war in 1991.

7. At the thirtieth session of the Islamic Conference of Foreign Ministers, convened at Tehran from 28 to 30 May, a final communiqué was issued, in which the Conference called on the Iraqi people, the occupying forces and the United Nations to use all means to resolve the issue of Kuwaiti and third-country national missing persons within the framework of United Nations resolutions.

8. After a visit to Tehran on 15 June, the Deputy Prime Minister and Minister of the Interior of Kuwait indicated that members of the Committee to Search for Kuwaiti Missing Persons and Prisoners of War would meet with Iranian colleagues to exchange information and share expertise on this issue.

9. The spokesman for the Search and Investigations Committee for Kuwaiti Prisoners of War and Missing Persons, Fayez al-Anezi, said in a published statement on 16 June that 66 sets of remains, thought to be of Kuwaiti prisoners of war, had been found in Iraq and brought to Kuwait from a mass grave found the previous month at Samawa.

10. In a statement to the Kuwait News Agency on 8 July, following the 43rd meeting of the Technical Subcommittee in Kuwait on 6 July, the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim Majed al-Shaheen, said that the Iraqi delegation had stated that the authorities were continuing their search for mass graves that may have included the remains of Kuwaiti prisoners of war.

11. On 29 July, *The New York Times* filed a report regarding a 40-acre cemetery near Zubayr, where, among others, 114 Kuwaitis from the Iraqi invasion of Kuwait in 1990 had been placed and later "mysteriously" removed.

12. On 4 August, the Chargé d'affaires of the Permanent Mission of Kuwait, Mansour al-Otaibi, reported that two additional sets of remains had been identified by Kuwaiti authorities as those of Ibjad Aloush al-Mutairi and Lafi Faihan Mohammad Laili al-Mutairi, bringing the total number of Kuwaiti remains to 13.

III. Recent activities

13. The High-level Coordinator held a meeting with the President of the Security Council, Ambassador Adolfo Aguilar Zinser of Mexico, on 23 April. The Coordinator expressed his view that the situation in Iraq was now favourable for intensifying efforts to search in earnest for the missing Kuwaitis and third-country nationals, including Captain Speicher.

14. On 24 April, the Coordinator briefed the Security Council on the repatriation of missing Kuwaitis and third-country nationals or their remains. In his briefing to the Council, he expressed the need for authorities exercising control in Iraq to establish bodies devoted to the problem of resolving the issue of Kuwaiti missing persons in order to implement paragraph 14 of resolution 1284 (1999).

15. The Security Council expressed support for the work of the Coordinator and called for the continuation of his mandate. Many Council members (Pakistan, Germany, Chile,

the United States of America, Guinea and Mexico) noted that the fall of the Government of Iraq presented an auspicious political landscape for the resolution of this humanitarian issue. France and Pakistan also called on the coalition authorities to assist the Coordinator in implementing his mandate.

16. Following the meeting of the Security Council, the President of the Council released a statement to the press calling on all States, organizations and individuals that can support the ongoing investigations to step up their efforts and provide information that could lead to finding the whereabouts of the 605 missing Kuwaitis and other nationals.

17. On 24 April the Coordinator met with the Permanent Representative of Kuwait, Ambassador Mohammad A. Abulhasan. The Coordinator expressed the view that it was a good idea for Kuwait to dispatch a team to Iraq to look for its missing. The Permanent Representative of Kuwait informed the Coordinator that a team had been sent to Basra, and in due course would visit Baghdad to fulfil its mission.

18. On 25 April, the Coordinator met with the Deputy Permanent Representative of the United States, James Cunningham. The Coordinator informed the United States Ambassador about his meeting with a representative of the International Committee of the Red Cross (ICRC) the previous day to urge that organization to intensify its efforts.

19. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs held a meeting with members of the Tripartite Commission on 19 May in Kuwait, chaired by Sheikh Salem Sabah al-Salem al-Sabah, Chairman of the Committee. At the meeting, the Tripartite Commission reached agreement on the official procedure for the exhumation and identification of mortal remains.

20. Following the adoption of Security Council resolution 1483 (2003) on 22 May, Council members made reference to the Kuwaiti missing persons issue in their statements. The United States reminded Iraq of its obligations to Kuwait and others who suffered during Saddam Hussein's regime; the United Kingdom requested the Council to consider progress on repatriating Kuwaiti and third-State nationals and Kuwaiti archives.

21. On 28 May, the Coordinator received an invitation from the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs to visit Kuwait to follow up on issues concerning Kuwaiti prisoners of war.

22. On 1 June, the Tripartite Commission held its 25th meeting at the ICRC office in Baghdad. Representatives of Kuwait, Saudi Arabia, France, the United Kingdom, the United States and the Coalition Provisional Authority representing Iraq attended the meeting under the auspices of ICRC. At the meeting, the mandate of the Technical Subcommittee was extended by six months and the official procedure for the exhumation and identification of mortal remains was adopted.

23. The case of the missing or captured American, Captain Michael Scott Speicher, was addressed by the United States at the Tripartite Commission meeting. Efforts to determine Captain Speicher's fate and whereabouts continue.[1]

24. On 8 June, the Deputy Premier and Minister for State and Cabinet Affairs of Kuwait, Mohammed al-Sharah, confirmed the identity of the remains of one Kuwaiti prisoner of war found in the mass grave at Samawa. The remains were found to be those

[1] For further information on Captain Speicher, please refer to *The New York Times*, 8 April 2003.

of one Saad Mishal Aswad al-Anizi. The DNA confirmation represented the first forensic evidence discovered regarding a missing Kuwaiti prisoner of war.

25. On 10 June, the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs said that the Committee would inform the families of 149 prisoners of war whose names were on a list given by the Iraqi delegation at the meetings of the Tripartite Commission and the Technical Subcommittee held in Baghdad. Meetings of the Technical Subcommittee were held from 2 to 5 June in Baghdad.

26. The remains of a second Kuwaiti were identified on 14 June as those of one Ahmed Abdullah Abdul Rasooul al-Qalaaf, a Kuwaiti soldier, who had reportedly been taken prisoner by Iraqi forces three months after the occupation of Kuwait.

27. On 16 June, the Coordinator briefed the Security Council on the return of all Kuwaiti property and archives. Regarding the missing persons issue, he informed the Council that some progress had been made, as the mortal remains of some prisoners had been recovered from the mass grave at Samawa; the remains of one Kuwaiti had been positively identified and his family informed. The Coordinator stressed that additional efforts would have to be made by Kuwaitis in identifying their missing persons.

28. On 16 June, the Coordinator met with the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs at the Kuwaiti Mission in New York. The Chairman noted the excellent cooperation by the United States on the ground to resolve the missing persons issue.

29. On 19 June, the Coordinator travelled to Washington, D.C., to meet with the Deputy Assistant Secretary of State for the Near East Bureau, Phillo Dibble, as well as Adrian Cronauer and John Unangst of the Department of Defense's Office on United States Prisoners of War and Missing in Action. They briefed the Coordinator on the status of Captain Speicher, and pledged to continue to work on his file.

30. During a meeting with the Coordinator on 2 July, the Permanent Representative of Kuwait informed him that the remains of a third Kuwaiti had been identified through DNA testing and that Kuwaitis were now resigned to believe that all Kuwaitis who were listed as missing were probably dead. The Permanent Representative also informed the Coordinator that the Government of Kuwait had established a new task force to intensify the recovery of the remains of Kuwaiti missing persons.

31. In a letter dated 14 July, the Permanent Representative of Kuwait informed the Coordinator about the 43rd meeting of the Technical Subcommittee of the Tripartite Commission under the auspices of ICRC in Kuwait on 6 July. At the meeting, the Iraqi delegation informed participants of three new sites that had been discovered containing the remains of Kuwaiti prisoners of war. The Permanent Representative of Kuwait informed the Coordinator that the Kuwaiti authorities were in the process of examining samples taken from the remains to determine their identity.

32. In a letter dated 30 July, the Chargé d'affaires of the Permanent Mission of Kuwait updated the Coordinator on the list of Kuwaitis (and one third-country national) identified by Kuwaiti authorities. These include: Saad Meshal al-Enezi, Ahmed Abdullah al-Ghallaf, Saleh Ali al-Hayani, Enam al-Edan, Naser al-Enezi, Abdullatif al-Wahab, Mahmoud Sayed Reda, Faihan Mohammad al-Mutairi, Nasser Sherif al-Kaldhi, Jassem Hamid Abdallah al-Samak and Daad Omar al-Hariri (a Lebanese national).

33. On 2 August, the Coordinator travelled to Kuwait, where he was received by the Prime Minister, Sheikh Sabah al-Ahmad al-Jaber al-Sabah, with Mohammad A. Abulhasan, now Information Minister of Kuwait, in attendance. The Prime Minister conveyed his wish for stability in Iraq and for progress on the issues of missing Kuwaiti nationals and property and thanked the Coordinator for his activities. The Coordinator assured him that he would continue to make every effort to resolve this issue.

34. On the same day, the Coordinator met with the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, to discuss recent developments in Iraq. The Minister and the Coordinator agreed that it would be within the mandate of the Coordinator to meet with officials of the former Iraqi regime to collect information on missing Kuwaitis.

35. Later that day, the Coordinator met with the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, who expressed his appreciation for the cooperation that the Committee had received from the Coalition Provisional Authority and Iraqi officials appointed by the Authority in determining the fate of missing persons and prisoners of war. The Deputy Chairman praised the cooperation of those who had participated in the Technical Subcommittee meetings held in Jordan at the beginning of the year.

IV. Observations

36. While the discovery of mass graves in Iraq and the subsequent identification of remains, including those of Kuwaiti missing persons, have brought a sense of closure for the family members, it has also brought to light the atrocities perpetrated by the previous Iraqi regime.

37. I would like to take this opportunity to extend my heartfelt condolences to the families of Kuwaiti and third-country nationals who suffered more than 12 years of uncertainty, and hope that all files will be resolved in the months to come through continuing collaboration between Kuwaiti officials and coalition authorities to recover and identify the remains.

38. The Tripartite Commission, the principal mechanism for resolving the Kuwaiti missing persons issue, recently formulated procedures to exhume and identify the mortal remains of missing Kuwaitis at its Technical Subcommittee meeting. I believe these efforts should intensify so as to resolve Kuwait's long-standing humanitarian concerns.

39. I would strongly encourage continuing collaboration between Iraq and Kuwait within the framework of the Tripartite Commission and ICRC. In the light of the ongoing progress on this issue, the Security Council may wish to consider bringing the Coordinator's mandate to a close when the next report on the repatriation and return of all Kuwaiti and third-country nationals or their remains, and on the return of all Kuwaiti property, including archives, seized by Iraq, is submitted in December.